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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/835,946	04/16/2001	KRISTOFER E. ELBING	KEE-0014	7924
26653	7590	11/23/2004	EXAMINER	
KRISTOFER E. ELBING 187 PELHAM ISLAND ROAD WAYLAND, MA 01778			SAX, STEVEN PAUL	
			ART UNIT	PAPER NUMBER
			2174	

DATE MAILED: 11/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/835,946

Applicant(s)

ELBING ET AL.

Examiner

Steven P Sax

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 22-28,30 and 35-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 22-28,30 and 35-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### DETAILED ACTION

1. This application has been examined. The Amendment and Terminal Disclaimer filed 6/14/04 have been entered.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 22-26, 28, 30, 35-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosenberg et al (5880714) and Braun et al (6300936).

4. Regarding claim 22, see in Rosenberg et al the computer system with processor and operating system and display (Figure 1, 2A, column 3 lines 10-20), the pointing device with position sensor having an output line and tactile actuator having an input line (column 3 lines 22-32, column 4 lines 25-46), wherein the input line is responsive to the pointing device driver which is in turn responsive to the output line (column 4 lines 40-55, column 6 lines 40-50), an application responsive to the pointing device driver and operating system and communicating with the display, and wherein the driver is

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responsive to a general purpose application (column 5 lines 1-22 and 33-42, abstract). Rosenberg et al do not go into the details of plural applications, with a plurality of application specific profile elements for the applications that define tactile signals to the actuator when interacting with the corresponding applications, or the configuration module to present pointing device configuration controls including controls for accessing application specific profile elements, but do show the application responsive to the driver and defining tactile signals to an actuator application for efficient user feedback (aforecited, also column 8 lines 1-11). Furthermore, Braun et al show the plurality of applications, and with the specific profile elements for applications that define tactile signals to the actuator when interacting with the corresponding applications (Figures 5, 9, 12, column 3 lines 30-59, column 4 lines 20-32, column 6 lines 29-40, column 8 lines 10-22 and 35-43), as well as the configuration module to present pointing device configuration controls including controls for accessing application specific profile elements (column 9 lines 5-25, column 12 lines 45-65, column 16 lines 35-48, column 19 lines 27-31, column 20 lines 5-12), for efficient user feedback. It would have been obvious to a person with ordinary skill in the art to have the plurality of applications, and with the specific profile elements for applications that define tactile signals to the actuator when interacting with the corresponding applications, as well as the configuration module to present pointing device configuration controls including controls for accessing application specific profile elements, in Rosenberg et al because it would provide efficient user feedback.

5. Regarding claim 23, 36, and 37, the configuration module of Braun et al includes controls allowing the user to select between default and user specified tactile signals (column 17 lines 30-40, column 18 lines 60-67), which are used for generating the tactile signal in response to the actuation command.
6. Regarding claims 24 and 38, the application specific profile elements in Braun et al are based on a regularly spaced Cartesian grid (column 27 lines 5-15,).
7. Regarding claims 25-26 and 39, some of the profile elements in Braun et al are based on cells containing a single alphanumeric character (the mapping to a numeric value column 9 lines 25-39, the pixel mapping column 44 lines 14-30).
8. Regarding claim 28, the application specific profile elements in Braun et al correspond to classes of the applications (column 20 lines 7-22).
9. Regarding claim 30, Braun et al show the profile elements are provided with special purpose applications (column 19 lines 25-39).
10. Regarding claim 35, Braun et al show accessing the profile elements in response to user actuation of configuration controls (column 19 lines 25-40).

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11. Claim 37 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claim ends without finishing recitation of the last step (" and).

12. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection. Note though that the double patenting rejection has been removed in view of the Terminal Disclaimer.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven P Sax whose telephone number is 571-272-4072. The examiner can normally be reached on M-F 8:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on 571-272-4063. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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STEVEN SAX  
PRIMARY EXAMINER

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PRIMARY EXAMINER